

IN THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION

**FILED**

MAY - 3 2018

Clerk, U.S. District Court  
Texas Eastern

JASON LEE VAN DYKE,  
*Plaintiff,*

v.

CASE NO. 4:18-CV-00247-ALM-  
CAN

THOMAS RETZLAFF,  
*Defendant.*

**DEFENDANT THOMAS RETZLAFF'S RESPONSE TO  
PLAINTIFF'S MOTION FOR RULE 11 SANCTIONS**

**A. INTRODUCTION**

1. Plaintiff is Jason Lee Van Dyke; defendant is Thomas Retzlaff.
2. As of this date (April 27, 2018), Retzlaff still has yet to be served with the summons and complaint in this lawsuit. Retzlaff has previously filed an anti-SLAPP motion to dismiss (ECF 5) and a motion to dismiss for lack of personal jurisdiction (ECF 18) – both of which are ripe for a decision and are pending before this court.

## **B. ARGUMENT**

3. A pleading, written motion, or other paper is not sanctionable unless it has been presented – whether by signing, filing, submitting, or later advocating it – for an improper purpose or it includes any of the following: (1) claims, defenses, or other legal contentions not warranted by existing law or by a good-faith argument for extending, modifying, or reversing existing law or for establishing new law, (2) factual contentions that do not have, or are unlikely to have, evidentiary support after a reasonable opportunity for further investigation or discovery, or (3) denials of factual contentions unwarranted by the evidence. Fed. R. Civ. P. 11(b)(1)-(4).

4. In Van Dyke’s motion for sanctions, the *pro se* plaintiff claims to be suffering from “harassment” due to Retzlaff allegedly submitting to this court “false, defamatory, and scandalous material” about Van Dyke in support of Retzlaff’s:

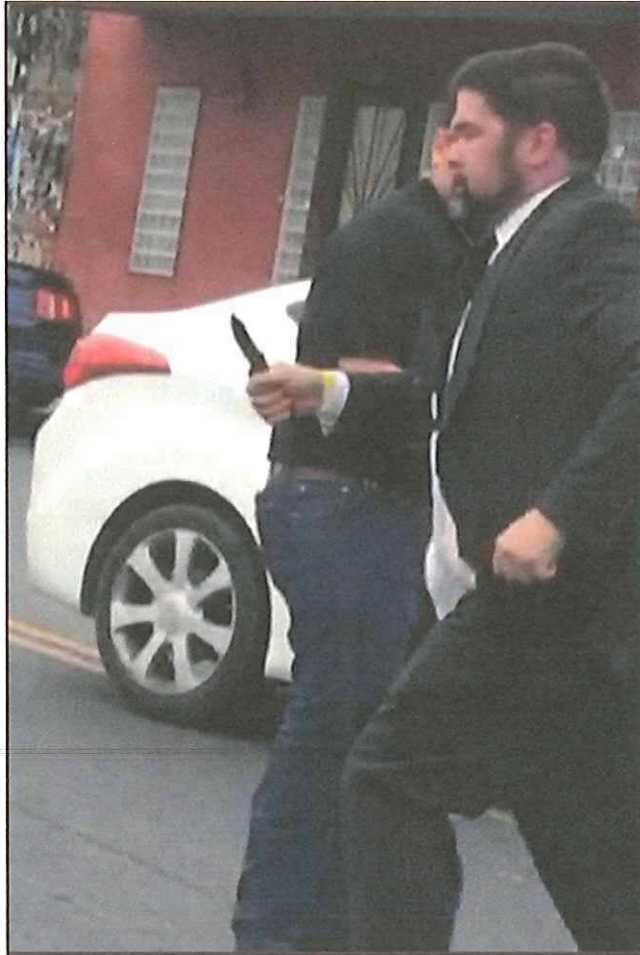
- (1) Defendant's Notice of Removal. ¶ 6 - 9. ECF 1.
- (2) Defendant's Anti-SLAPP Motion. ¶ 5, 14. ECF 5.
- (3) Defendant's Motion to Reconsider. ¶ 5. ECF 15.
- (4) Defendant's Request for Hearing on Anti-SLAPP Motion. ¶ 4. ECF 16.

- (5) Defendant's Motion To Take Judicial Notice That 'The Proud Boys' Are A White Supremacist Hate Group. (Entire Motion). ECF 17.
- (6) Defendant's Motion to Dismiss for Lack of Personal Jurisdiction. ¶ 4 - 9 and 12. ECF 18.
- (7) Defendant's Notice of Death Threats. (Entire Document). ECF 28.

5. Unfortunately for Van Dyke, the “harassment” and “mental anguish” that he is suffering as a result is not the purpose of these pleadings. It is just a not-so-unfortunate side-effect and is but a brief preview of things to come as this case progresses. Consider it more of a ‘bonus feature’!

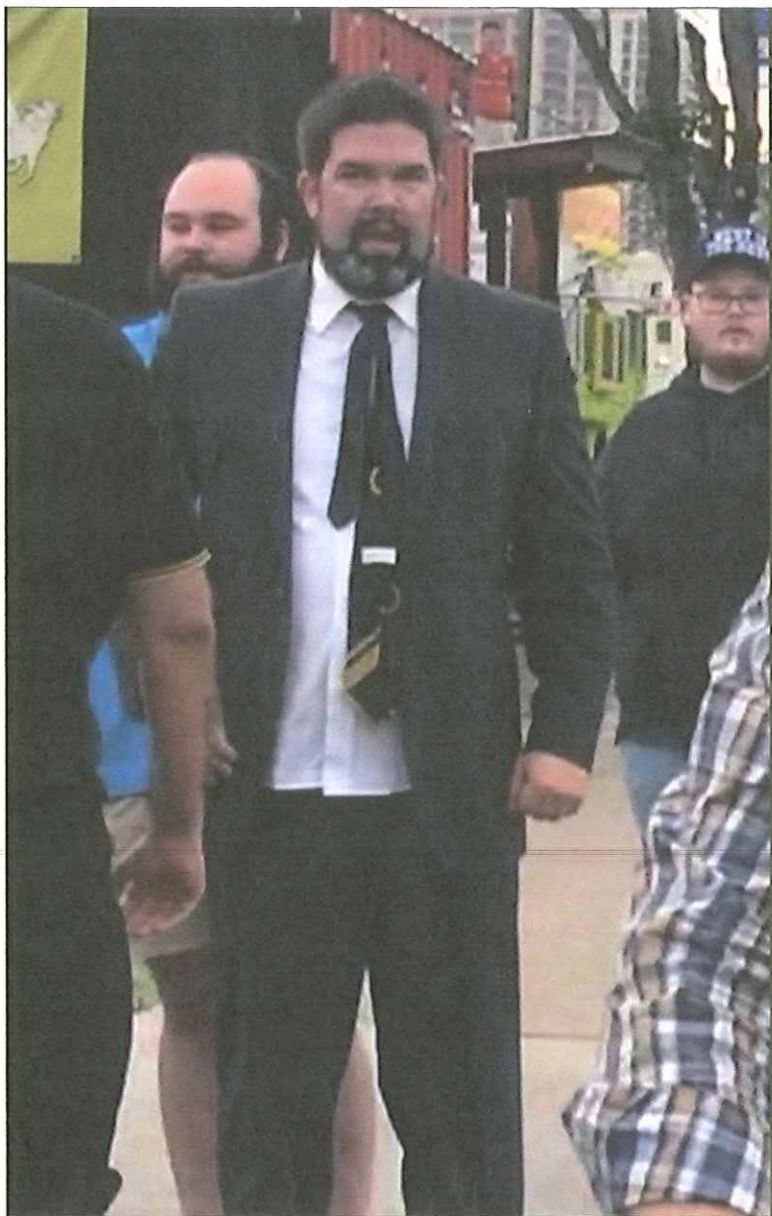
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6. Van Dyke’s membership and leadership in a white supremacist hate group is the heart and soul of the defense in this case and Retzlaff will be raising it at every single opportunity, both inside the courtroom and outside to the public. Van Dyke has been running around on social media calling folks niggers and spics and faggots and talking about lynching people. And he has been doing that shit for YEARS.



7. This is a photograph of Van Dyke taken in Austin, Texas, in which Van Dyke lead a group of armed white supremacists in a wild street brawl in mid-March of 2018 – just weeks before he got fired from the KLM law firm in Plano, and less than a year after he got fired by the Victoria County DA’s Office.





There is, of course, video, which is very harrowing to watch.

8. If Van Dyke is suffering personal and professional harm to his reputation as a result of this lawsuit, **tough shit**. He was the dummy who thought that it would be a good idea to file a lawsuit for \$100 million. Seriously – what did he think would happen?

9. The court must deny Van Dyke's motion for sanctions because Van Dyke did not serve the motion on Retzlaff 21 days before filing it with the court. Fed. R. Civ. P. 11(c)(2); *Barber v. Miller*, 146 F.3d 707, 710-11 (9th Cir. 1998); *Ridder v. City of Springfield*, 109 F.3d 288, 294 (6th Cir. 1997).

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Respectfully submitted,



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Thomas Retzlaff  
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DEFENDANT, PRO SE

**CERTIFICATE OF SERVICE**

I certify that on April 27, 2018, a copy of this document was delivered to the US District Court Clerk's office by US Mail, which will automatically serve a Notice of Electronic Filing on the plaintiff Jason Van Dyke.

I certify that Van Dyke is a registered CM/ECF user and that service will be accomplished by the CM/ECF system.

A handwritten signature in black ink, appearing to read "Tom", is positioned above a horizontal line.

Thomas Retzlaff